

**REMARKS**

This responds to the Final Office Action mailed on February 26, 2009.

Claims 1 and 15 are amended; claims 8-14, 17, and 20 are canceled, without prejudice to the Applicant; as a result, claims 1-7, 15-16, and 18-19 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 18 and 22.

**§ 103 Rejection of the Claims**

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being obvious over McGarrahan et al. (U.S. Publication Number 2003/0026424; hereinafter "McGarrahan") in view of Ishibashi et al. (U.S. Publication Number 2001/0053223; hereinafter "Ishibashi"), Ishiguro et al. (U.S. 7,266,691; hereinafter "Ishiguro") and Spagna et al. (6,859,791; hereinafter "Spagna"). To sustain an obviousness rejection, each and every element in the rejected claims must be taught or suggested in the proposed combination of references.

Applicant has amended the independent claims to include a specific type of authentication token that includes the private key of the media player that is known to just the media player and the authentication service and a public key for the authentication service. No such authentication token is shown or suggested in any of the proposed references.

As such, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests the same from the learned Examiner.

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as being obvious over McGarrahan in view of Ishibashi, Kempf et al. (U.S. Publication Number 2004/0240669; hereinafter "Kempf") and Spagna. These claims have been cancelled, without prejudice to the Applicant, as a result, these rejections are now moot.

Claims 15-20 were rejected under 35 U.S.C. § 103(a) as being obvious over McGarrahan in view of Ishibashi and Spagna. Again, to sustain an obviousness rejection each and every

element of the rejected claims must be taught or suggested in the proposed combination of references.

The independent claims now include a specific type of authentication token that includes the private key of the media player that is known to just the media player and the authentication service and a public key for the authentication service. No such authentication token is shown or suggested in any of the proposed references.

As such, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests the same from the learned Examiner.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being obvious over McGarrahan, Ishibashi, Ishiguro and Spagna and further in view of Yamasaki et al. (U.S. Publication Number 2002/0161997; hereinafter “Yamasaki”). These claims are dependent from amended independent claim 1; thus, in view of the amendments and remarks presented above with respect to independent claim 1, claims 6-7 should be allowed. Applicant respectfully requests an indication of the same.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 04-27-09

By / Joseph P. Mehrle /  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of April, 2009.

Name Ryan Saunders

Signature RS